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Kevin H. Sharp

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ADIB AKBARI,)
)
Plaintiff)
)
v.) No. 3:12-0768
) Judge Sharp/Bryant
RENATE ARNOLD,)
)
Defendant)

TO: THE HONORABLE KEVIN H. SHARP

REPORT AND RECOMMENDATION

For the reasons stated below, the undersigned Magistrate Judge recommends that this case be remanded to the General Sessions Court for Davidson County, Tennessee, for lack of subject-matter jurisdiction, pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure.

SUMMARY OF PROCEDURAL HISTORY

This action was commenced on July 6, 2012, by the filing by Plaintiff of a detainer warrant in the General Sessions Court for Davidson County, Tennessee. This warrant alleged that Defendant Renee Arnold was wrongfully in possession of an apartment in Nashville, Tennessee. The warrant sought possession of the subject apartment as well as \$800 alleged to be unpaid rent then due and owing (Docket Entry No. 1-1).

On July 24, 2012, the case was removed to this court by Defendant Renate Arnold, who asserted subject-matter jurisdiction here based upon federal question, 28 U.S.C. § 1331. Defendant Arnold simultaneously filed a counterclaim asserting claims under the Americans With Disabilities Act, a civil rights action pursuant